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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,615	08/20/2001	William J. Beyda	2001P15259US	6744

7590 04/27/2005  
Siemens Corporation  
Attn: Elsa Keller, Legal Administrator  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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JUNTIMA, NITTAYA

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/933,615

Applicant(s)

BEYDA, WILLIAM J.

Examiner

Nittaya Juntima

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/20/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because for clarification purposes,
  - items 108a-108d and 106 in Fig. 1 should include text description,
  - “PS” in item 109 and “GKB” in item 107 in Fig. 1 should be spelled out as “Proxy Server” and “Backup Gatekeeper;”
  - items 254a-254n also require text description; and
  - reference numerals 202a, 108a, 208a, 107, and 202b are missing in Fig. 5.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1-4, 6-10, and 14-17 are objected to because of the following informalities:

- in claim 1, ll 5, “one of” should be inserted after “servicing” and “network” should be changed to “networks;”
- in claim 2, ll 3, “one of” should be inserted after “access,” see page 6, ll 23-25;
- in claims 4 and 17, ll 4, an extra period at the end of the claim should be removed;
- in claim 10, ll 3, “is” should be inserted after “provided;”
- in claims 1-4, 6-9, and 14-17, the phrase “adapted to” should be changed to make the limitations positive. **An alternative to the suggested change would be a written confirmation stating that the claimed element performs the actual function following “adapted to.”** It has been held that the recitation that an element being “adapted to” perform a function is *not* a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. See MPEP §2106.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3-4, 8-9, 12-13, and 16-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 3-4 and 16-17, the specification does not teach or describe a proxy server/one or more routers that directs call signaling to the local gatekeepers if the local gatekeepers are available and to the backup gatekeepers when *the local gatekeepers are not* as recited in the claims.

Further, regarding claims 3-4, 8-9, 12-13, and 16-17, even though the specification teaches using a proxy server/router (108a, Figs. 1 and 4) to route call signaling to the primary gatekeepers (208a, Figs. 1 and 4) if they are operational, and to the backup gatekeeper (107, Figs. 1 and 4) if the appropriate gatekeeper is not (see specification on page 6, ll 27-page 7, ll 7 and 24-page 8, ll 2), the specification fails to teach how exactly the call signaling message is routed to a router 108a or a proxy server 109, which is located outside of ToL network 104a in Fig. 1, and further to the backup gatekeeper 107 when the local gatekeepers 208a becomes unavailable. Because Fig. 1 shows that ToL network 104a is connected to external networks via gatekeeper 208a, so if the gatekeeper 208a is not available, how can a call request from terminal 202a get routed to a backup gatekeeper 107? Therefore, the specification does not enable one skilled in the art to make or use the invention.

***Claim Rejections - 35 USC § 102***

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 5-15, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Galasso et al. ("Galasso") (USPN 6,374,302 B1).

Regarding claims 1 and 14, as shown in Fig. 2, Galasso teaches a VoIP telecommunications system, comprising:

A plurality of local VoIP networks (zones 100 and 200) serviced by local gatekeepers (zone gatekeepers). See col. 4, ll 41-49.

a backup gatekeeper (a master gatekeeper 310), said backup gatekeeper provides gatekeeper services to individual ones of said local VoIP networks if a local gatekeeper servicing one of said local VoIP networks is not available. See col. 4, ll 47-53 and col. 7, ll 17-26.

Regarding claims 2 and 15, Galasso teaches that said backup gatekeeper maintains local gatekeeper profiles (terminal address databases associated with zone gatekeepers, col. 4, ll 50-63) in a database (320, Fig. 1) and access one of said local profiles when a corresponding local gatekeeper is unavailable (since each zone gatekeeper provides address translation for calls originated in that zone, col. 3, ll 28-31 and col. 4, ll 47-49, it is inherent that the master gatekeeper must access the terminal address database of the unavailable zone gatekeeper in order to function as a backup zone gatekeeper, col. 7, ll 17-26).

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Regarding claims 5 and 18, Galasso further teaches that said backup gatekeeper (master gatekeeper 310, Fig. 1) is provided by a Network Services Provider (since the master gatekeeper provides address translation service for VoIP call and is located in a physical location, i.e. an action control point 300, col. 4, ll 60-63, the master gatekeeper must be provided by a network services provider).

Regarding claim 6, as shown in Fig. 1, Galasso teaches a telecommunications gatekeeper (a master gatekeeper 310), comprising:

A control unit (a processor, col. 5, ll 37-40).

A plurality of local gatekeeper modules (terminal address databases associated with zone gatekeepers, col. 4, ll 50-63) corresponding to local gatekeepers (zone gatekeepers, col. 4, ll 47-49) associated with said telecommunications gatekeeper, wherein said control unit selects for operation individual ones of said local gatekeeper modules when corresponding ones of said local gatekeepers are unavailable (since each zone gatekeeper provides address translation for calls originated in that zone, col. 3, ll 28-31 and col. 4, ll 47-49, it is inherent that the processor of the master gatekeeper must select ones of the terminal address databases of the unavailable zone gatekeepers in order to function as a backup zone gatekeeper, col. 5, ll 37-40 and col. 7, ll 17-26).

Regarding claim 7, as shown in Fig. 1, Galasso teaches a telecommunications system, comprising:

A plurality of voice over packet networks (zones 100 and 200), each of said voice over packet networks having an associated local gatekeeper (zone gatekeeper). See col. 4, ll 41-49.

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A backup gatekeeper (a master gatekeeper 310) having a plurality of local gatekeeper modules (terminal address databases associated with zone gatekeepers, col. 4, ll 50-63) corresponding to local gatekeepers and selects for operation individual ones of said local gatekeeper modules when corresponding ones of said local gatekeepers are unavailable (since each zone gatekeeper provides address translation for calls originated in that zone, col. 3, ll 28-31 and col. 4, ll 47-49, it is inherent that the inherent control unit of the master gatekeeper must select ones of the terminal address databases of the unavailable zone gatekeepers in order to function as a backup zone gatekeeper, col. 7, ll 17-26).

Regarding claims 8-9 and 12-13, since Galasso teaches that that a master gatekeeper 310, Fig. 1 acts as a backup zone gatekeeper when one of zone gatekeepers is not available (col. 7, ll 17-26), and Fig. 1 shows that the master gatekeeper is located outside of zones 100 and 200 and not connected directly to terminals originating call requests, therefore, it is inherent that a device, e.g. proxy server/a router, must be included in order to route gatekeeper signaling to and from the backup gatekeeper (a master gatekeeper 310, Fig. 1) in response to determining that a local gatekeeper (zone gatekeeper) is not available.

Regarding claim 10, Galasso also teaches that the backup gatekeeper (a master gatekeeper 310, Fig. 10) is programmed to provide said local gatekeeper modules (terminal address databases associated with zone gatekeepers, col. 4, ll 50-63) for service (address translation service, col. 3, ll 28-31, col. 4, ll 47-49, and col. 7, ll 17-26) as a subscription service (address translation service provided by a zone gatekeeper/a backup zone gatekeeper, i.e. a master gatekeeper, must be a subscription service since the terminals have to be registered with the gatekeepers in order to have their information be stored in the database, col. 3, ll 28-31 and



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col. 4, ll 47-49), said backup gatekeeper (a master gatekeeper) provided at a location of a service provider (since the master gatekeeper provides address translation for VoIP call services and is located in an action control point 300, col. 4, ll 60-63, the master gatekeeper must be provided by a network services provider).

Regarding claim 11, Galasso teaches a method, comprising:

Monitoring whether a plurality of local gatekeepers (zone gatekeepers in zones 100 and 200, Fig. 1, col. 4, ll 47-49) are available (since a master gatekeeper may act as a backup zone gatekeeper for one or more zones, col. 7, ll 17-26, therefore, the step of monitoring whether the zone gatekeepers are available must be included).

Providing backup gatekeeper services from a backup gatekeeper (a master gatekeeper) if any of said local gatekeepers are determined to not be available (col. 4, ll 47-53 and col. 7, ll 17-26).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nittaya Juntima  
April 25, 2005

*NJ*

  
RICKY NGO  
PRIMARY EXAMINER

*4/28/05*